

## Information Item

### *Governmental Relations Committee*

Federal Update, April 2001

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This item provides a brief update on some of the major issues affecting education occurring at the national level, including updates on the President's budget proposal and recent activities relating to the reauthorization of the Elementary and Secondary Education Act. Because this report is prepared in mid-March, Commission staff will provide an oral update on any subsequent events at the Commission's April meeting.

*Presenter:* Karl M. Engelbach.



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# Federal Update, April 2001

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## **President Bush's Blueprint For New Beginnings: A Responsible Budget for America's Priorities**

On February 28, President Bush released his 207-page *Blueprint for New Beginnings*. Summarized below are the sections most directly related to education. The President is expected to present his complete and detailed budget proposal to Congress on April 3, 2001. More information can be found at:

(<http://www.whitehouse.gov/news/usbudget/blueprint/budtoc.html>)

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## *Strengthen and reform education*

In this section, the President states, "Bipartisan education reform is the cornerstone of (his) Administration." The report reiterates the President's belief that education remains primarily a state and local government responsibility with the federal government using its comparatively small investment in elementary and secondary education -- approximately seven percent -- to encourage systemic education reform in the states. Three aims guide the Administrations effort: for states, it is flexibility in directing resources in exchange for accountability through measurable results; for educators, it is autonomy and local control in exchange for accountability; and for parents, it is information and options in order to provide the best education for their children.

(<http://www.whitehouse.gov/news/usbudget/blueprint/bud03.html>)

The President's plan has six core components:

1. Reading First Agenda which includes the Reading First Program: an investment of \$5 billion over five years to ensure that every child in America can read by third grade; reform of Head Start by making school readiness the top priority in Head Start and begin to plan the move of Head Start to the Department of Education; and support of an early childhood reading initiative to help prepare young children to read in existing pre-school and Head Start programs.
2. Equality and Excellence in Education; Closing the Achievement Gap Through Strong Accountability: this is grounded in the President's belief that "all children can learn, and no child should be left behind." Schools will be required to have clear goals, there must be annual testing in grades 3-8 and results should be broken down by student group, and published in school-by-school report cards. Consequences will be imposed when performance stagnates or declines and reward

funds provided for states and schools that improve student performance.

3. Empowering Parents: which proposes arming parents with information through the school by school report cards and making those available online; expanding school choice by providing parents the option of transferring the child to another public school making adequate progress or allowing parents to use their share of Title I funds to seek supplemental services or private school alternatives.
4. Quality in the Classroom: Improving Teacher Quality, Increasing Teacher-Related Resources including the consolidation of teacher training funds for states to use flexibly to improve quality while ensuring accountability; expanding existing student loan forgiveness limits from \$5,000 to \$17,500 for mathematics and science majors who teach those subjects in high-need schools for five years; increasing funds for the Troops-to-Teachers transition program to \$30 million; establishing a tax deduction of up to \$400 in out-of-pocket classroom expenses; and supporting mathematics and science partnerships among States, universities, and school districts to improve math and science K-12 education.
5. Restoring School Safety and Promoting Character Development: with proposals to require states to measure and improve school safety and provide students in chronically dangerous schools the option to transfer; establish "Project Sentry" to prosecute juveniles who carry or use guns, as well as the adults who provide them; improve discipline by enacting a Teacher Protection Act to shield teachers from meritless lawsuits; triple federal character education funding; expand the role of faith-based and community organizations in after-school programs; and help parents obtain safe, supervised after-school care with a high-quality education focus through after-school certificates.
6. Modernizing Schools for Military Dependents and Native Americans: through eliminating the Bureau of Indian Affairs' school repair and maintenance backlog by 2006 while replacing older and more dilapidated schools and increasing funding for Impact Aid construction program by \$62 million; in addition, the President proposes to help local school districts meet school construction demands by allowing state private activity bonds to be used for school construction and repair.

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*Budget summaries  
by agency*

U. S. Department of Education: The President's proposed budget would provide a \$4.6 billion, or 11.5 percent, increase in total budget authority for the Department of Education. More information can be found at (<http://www.whitehouse.gov/news/usbudget/blueprint/bud19.html>)

Elementary and Secondary Education Initiatives: Provides funds to develop annual assessments of students, help states establish strong accountability systems, expand State participation in the National Assess-

ment of Education Progress (NAEP); provides nearly \$1 million for reading and \$2.6 billion for states to improve teacher quality through professional development, aggressive recruitment, and innovative retention practices; \$150 million to help charter schools acquire, construct or renovate facilities; increases Impact Aid by \$62 million and provides \$25 million for character education; increases local flexibility by streamlining two current programs: Safe and Drug-Free Schools and Communities and the 21st Century Community Learning Centers; and in order to help States with most pressing needs in elementary and secondary education - including Special Education - the states would be given flexibility to redirect funds previously provided for the school renovation program, first funded at \$1.2 billion in 2001.

Higher Education Initiatives: An additional \$1 billion for Pell Grants, increasing the maximum award for all students; Department of Education funding for Historically Black Colleges and Universities and Hispanic Serving Institutions would increase 6.4 percent over 2001 as the first installment of the President's goal of increasing these programs 30 percent by 2005. The budget also includes a mandatory-spending higher education initiative: expanding the existing teacher student loan forgiveness program to provide greater benefits for mathematics and science teachers.

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*National Science Foundation (NSF)*

The President's Budget Blueprint includes a \$200 million Mathematics and Science Partnership initiative that would provide funds for states to join with institutions of higher education in strengthening K-12 mathematics and science education. The initiative would support partnerships between institutions of higher education and local schools to strengthen math and science education. However, that the Bush Administration is proposing to redirect \$110 million from current NSF education programs to fund the new Mathematics and Science Partnership initiative. The Budget Blueprint does not indicate which existing programs will be cut to pay for the new initiative, but concern has been expressed about reducing funding for existing programs.

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**Senate HELP Committee passes ESEA legislation**

On March 8, 2001, the Senate Health, Education, Labor and Pensions (HELP) Committee met and approved a bi-partisan bill to reauthorize federal education programs under the Elementary and Secondary Education Act (ESEA).

The Senate was unable to finish work on reauthorizing ESEA in 2000, due to the extreme partisan differences in major policy areas. This year, however, President Bush and leaders in both the Senate and the House have indicated that education is a top priority and have vowed to finish work on ESEA by this spring.

The bill, Best Education for Students and Teachers Act, is broken into six titles: Title I: Better Results for Disadvantaged Students; Title II: Teacher Quality; Title III: Moving Limited English Proficient Students to English Fluency; Title IV: Safe and Drug-Free Schools and Communities; Title

V: Public School Choice and Flexibility; Title VI: Parental Involvement and Accountability; and Title VII: Indian, Native Hawaiian, and Alaska Native Education. As expected, this bill consolidates a number of current education programs into these separate titles (The full text of this legislation is available on the Senate HELP Committee homepage at: <http://www.senate.gov/~labor.>)

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*Title II*  
*- Teacher Quality*

In Title II, Teacher Quality, Part A, the Senate recommends funding of three billion dollars (which includes the combination of current funding from the class size reduction program and the Eisenhower state grants), for programs to increase student academic achievement through improved teacher quality. Grants to the states would be made based on the state's school-age population (50 percent) and the number of low-income students (50 percent). Of these funds, 95 percent would go as subgrants to Local Education Agencies (LEA); the remainder would be used for state activities and for subgrants to local partnerships that would provide training.

As with the current Eisenhower Professional Development State Grant Program, the State Agency for Higher Education (SAHE) would be responsible for administering the subgrants to local partnerships through a competitive grant award process. As this point, however, it is unclear what percentage of funds would be earmarked for awards to local partnerships to be administered by the SAHEs. As a result, the Commission staff will be working with members of Congress and other interested parties on this provision of the bill.

Allowable activities at the state level include reforming teacher certification; mentoring programs; alternative certification programs; encouraging/supporting teachers to seek NBPTS certification; recruiting and retaining programs; promoting reciprocity of teacher certification or licensure among states; teacher testing initiatives; merit pay; and tenure reform.

Subgrants made to LEAs would be based on the number of school-age children (25 percent), and the total amount of students from low income homes (75 percent). LEAs may use these funds to provide professional development; mentoring programs; induction and support for new teachers; and recruiting (including signing bonuses), hiring, and training regular and special education teachers. The competitive subgrants made to eligible partnerships would allow these groups to provide for professional development in core academic subjects.

Each LEA that applies for a grant must include an evaluation plan which includes specific performance objectives, such as how the LEA will increase student achievement and performance, increase participation in sustained professional development and mentoring, and increase teacher retention and decrease out-of-field teaching. LEAs must annually report to the state on their progress in meeting these objectives; after five years

if the state determines the schools are not meeting their goals, it may withhold funds.

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*New mathematics  
and science  
program included  
in Senate bill*

Title II, Part B is a new ESEA program titled Mathematics and Science Partnerships, which allows states, higher education institutions, elementary schools, and secondary schools to participate in a variety of programs designed to improve the performance of students in math and science.

Under this program, five-year competitive grants would be provided to eligible partnerships in the state for:

- ◆ Developing or redesigning more rigorous mathematics and science curricula that are aligned with state and local standards and with the standards expected for postsecondary study in mathematics and science;
- ◆ Creating opportunities for enhanced and ongoing professional development that improves the subject matter knowledge of mathematics and science teachers;
- ◆ Recruiting mathematics and science majors to teaching;
- ◆ Promoting strong teaching skills for mathematics and science teachers and teacher educators, including integrating reliable research-based teaching methods into the curriculum;
- ◆ Establishing mathematics and science summer workshops or institutes (including follow up training) for teachers, using curricula that are experiment oriented, content based, and grounded in current research;
- ◆ Establishing distance learning programs for mathematics and science teachers using curricula that are experiment oriented, content based, and grounded in current research;
- ◆ Designing programs to prepare a teacher at a school to provide professional development to other teachers at the school and to assist novice teachers at such school; and
- ◆ Designing programs to bring teachers into contact with working scientists.

Eligible partnerships would include a state education agency, a math or science department of an institution of higher education, and an LEA, and may include another mathematics, science or teacher training department of a higher education institution; another LEA or an elementary school or secondary school; a business; or a nonprofit organization of demonstrated effectiveness, including a museum.

Partnerships receiving a grant under Title II, Part B would have to include an evaluation and accountability plan, which would include objectives

and measures for improved student performance on state mathematics and science assessments; increased participation by students in advanced courses in math and science; increased percentages of secondary school classes in math and science taught by teachers with academic majors in math and science; and increased numbers of math and science teachers who participate in content based professional development activities. If determined that the partnership is not meeting performance objectives, the grant can be revoked after the third year. The Senate bill requests that the Mathematics and Science Partnerships be funded at \$500,000,000 for FY 2002.

Also in Title II, Part B is included language that reauthorizes and strengthens the Eisenhower National Clearinghouse (requested funding of \$5 million). The Senate also authorized three national programs, funded at \$100,000,000 each, designed to provide training to school leaders; support and encourage teachers to seek advanced certification or advanced credentialing; and expand the Troops-to-Teachers program.

Title II, Part C addresses state and local programs for technology use in the classroom. This section transfers current educational technology programs to Title II and consolidates and repeals eight current technology programs into one new state formula grant. Title II, Part D is a new program that establishes a national panel to address the portability of teacher pensions and credentials.

Several amendments offered by Democrats were defeated; most importantly, Senator Kennedy offered an amendment that would require a set aside of 50 percent of the funds under Title II, Part A Teacher Quality (\$3 billion) to be used strictly for teacher professional development and mentoring programs. Senator Patty Murray's (D-WA) amendment to reinstate the class-size reduction program was also defeated.

Two Republican amendments offered and later withdrawn included a 15 state demonstration program of the Straight A's (which would allow states to consolidate all federal programs including Title I), and a portability program in Title I.

The Senate is expected to bring this bill to the floor for a vote in mid April. The House of Representatives is expected to introduce their ESEA bill in a few weeks, and mark up of their bill is also expected to take place quickly.

This is only the first step, albeit an important one, in the ESEA reauthorization; staff will keep the Commission updated as events warrant.

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**House and Senate  
committee  
assignments**

Although Committee assignments have largely been completed, House Democrats have declined to assign members to the education subcommittees as an objection to Chairman Boehner's recent restructuring of the subcommittees of the House Committee on Education and the Workforce. As part of the new structure, Historically Black Colleges and Universities

and Hispanic Serving Institutions were placed under a new subcommittee on select education, while other higher education issues fall under the subcommittee on 21<sup>st</sup> Century Competitiveness. Previously, these issues were all under the subcommittee of Postsecondary Education, Training and Lifelong Learning.

Staff has enclosed a list of members assigned to various House and Senate Committees.

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**National  
Governor's  
Association  
establishes a higher  
education initiative**

On March 20, 2001, the National Governors Association (NGA) Center for Best Practices hosted a roundtable discussion on higher education. The roundtable marked the formal launch of NGA's first-ever major initiative on higher education, *Influencing the Future of Higher Education*. Recognizing the importance of postsecondary education and training to our nation's future, the NGA established a four-year project on the future of higher education. The project, co-led by Governors Paul E. Patton of Kentucky and Tom Ridge of Pennsylvania, will focus on identifying state policies that respond to the new century's challenges.

The NGA's *Influencing the Future of Higher Education* agenda will focus on three issues designed to help states develop responsive higher education policies. They include:

1. Increasing student access, learning and degree attainment;
2. Creating seamless learning pathways, particularly pre-K-16 systems; and
3. Fostering economic development.

To help governors and their key advisors, the center will conduct the following activities.

Develop Issue Briefs and electronic publications. The center's education and employment and social services divisions will develop timely publications describing research findings and state best practices for improving higher education.

Sponsor joint education-workforce-economic development advisor institutes. The center will host an annual institute for governors' education and workforce advisors to help foster a peer network and greater knowledge of current postsecondary education issues affecting workforce and economic development.

Convene a national forum. The center will host a national forum to address the development of an accountability system for postsecondary education that supports access, economic development, and seamless learning pathways.



Sponsor learning laboratories. Center staff will invite a select number of governors' advisors interested in learning more about an innovative policy being implemented by another state. The laboratories will encourage use of the laboratories' lessons in Governor's budgets, state of the state addresses, and policy proposals for the next year.

Convene a policy academy for ten states. A policy academy for 10 states will be convened to help states struggle with the assessment of learning outcomes desired from postsecondary education. The academy model is the most appropriate tool for addressing this issue because it brings together multiple policy makers -- governors' advisors, legislators, higher education leaders, and business representatives -- to build an awareness of policy options and build consensus to act. State action plans will result from their participation and center staff will provide technical assistance to advance plan implementation.

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**States look for  
alternatives to  
standardized  
testing**

Standardized tests have played a significant role in higher education admissions for decades, as colleges and universities use tests like the Scholastic Aptitude Test (SAT) and American College Testing (ACT) to try to predict how well students will do once they get to college. A number of efforts are underway to reevaluate the use of existing standardized tests in college admission and to consider alternative paths to admission that may be better predictors of college success. For example, like California, states such as Texas and Florida have implemented programs where a certain top percentage of students are automatically admitted to the state institutions.

Legislators in Mississippi introduced a bill earlier this year that would have required all state institutions of higher education to admit students in the top 10 percent of their high school class. The bill, HB 995 would have eliminated the requirement for those students to submit SAT or ACT scores. The bill died in the legislature.

Richard Atkinson, president of the University of California, advocated recently ending the requirement of SAT I or ACT scores for admission to the University system. Students would continue to be required to submit SAT II scores which measure students' knowledge in certain subjects. At the same time, legislators in Texas are looking for ways to limit the influence of SAT scores in the state's university admissions. House Bill 1946 would limit the weight of standardized tests in admissions to only 20 percent or less in the overall decision-making process. A similar bill in New York, Assembly Bill 2351, would preclude the use of a minimum standardized test score as a cutoff for admission at any state college or university. In Wisconsin, state Representative Wasserman introduced Assembly Bill 149 which would prohibit the Board of Regents of the University of Wisconsin from requiring an applicant to have taken the Wisconsin high school graduation exam.

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**NCSL report shows increasingly mixed picture on State fiscal conditions**

In a report released recently, the National Conference of State Legislatures (NCSL) has found that while the slowing economy has darkened the budget picture for many states over the past two months, most states are still not facing serious fiscal problems. The report, titled "State Fiscal Outlook for 2001: February Update," provides a considerably less optimistic assessment of state finance than a forecast issued by the group in mid-December, before the bruising results of holiday sales were released. Among the highlights of the report:

- ◆ The number of states reporting revenue collections above or on target with expected has dropped from 44 in December to 33 in February. Regional patterns in revenue collection are also apparent, as states in the West and Northeast are posting relatively strong revenue growth, while states in the South and Great Lakes are struggling.
- ◆ More than half the states (31) will require supplemental appropriations for the current year budget to cover cost overruns in areas such as Medicaid, K-12 education, and corrections.
- ◆ Eleven states now expect to cut their current-year budgets, and the total may rise as high as 19. Several states, including Alabama, South Carolina, Mississippi, and North Carolina, are already in the midst of budget-trimming discussions.
- ◆ The drive to cut taxes is rapidly decelerating. The number of states expecting to consider or enact any significant tax reductions now numbers 18, with 22 states indicating little or no likelihood of tax cuts this year. As many as 10 states may consider tax hikes this year, which represents an increase over recent years.

As a result of emerging revenue trends, most states are preparing tighter budgets for FY2002, with an emphasis on maintaining current services over new initiatives.

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**Report finds access for low-income students not improving**

According to a new report by the Advisory Committee on Student Financial Assistance, the college participation rate among low-income students continues to trail behind that of high-income students by over 30 percent. The report, entitled *Access Denied, Restoring the Nation's Commitment to Equal Education Opportunity*, says that although financial assistance programs have been in place for more than 35 years, many low-income students continue to struggle to pay for a college education.

In the report, the committee says that the trend will worsen over the next 15 years, as college enrollment is expected to grow significantly. The report says that the situation has not improved as a result of federal, state, and university policies that have emphasized student aid for middle-income students such as tuition-tax credit programs and merit-based scholarships

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**Study finds  
affirmative action  
widespread in  
college admissions**

According to a recently released report by the Center for Equal Opportunity, a significant portion of the 47 public four-year colleges and universities surveyed give special admissions preference to Black and Hispanic students. The Center, which opposes affirmative action, states in the report that over 75 percent of the institutions gave special preference to blacks and almost 40 percent favored Hispanic applicants. Critics of the study say that the data used were misinterpreted and that the Center focuses too much on SAT scores and not enough on the grade point averages of the applicants.

The report, entitled *Pervasive Preferences*, is based on publicly collected data from 1995 through 1997 at universities in California, Colorado, Michigan, Minnesota, North Carolina, Virginia and Washington State, as well as at the United States Military and Naval Academies.

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**Paige advises higher  
education schools to  
work with K-12**

U.S. Secretary of Education Roderick R. Paige recently promoted closer collaboration between colleges and universities and K-12 schools to improve the quality of elementary and secondary education. In a speech at the American Council on Education's annual meeting, Dr. Paige called on colleges and universities to prepare better teachers, as well as better assessment tools to measure how well students are learning. He also discussed President Bush' proposals to expand the use of testing in schools and increases the amount families are allowed to contribute to education savings accounts.

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**U.S. Supreme Court  
exempts states from  
suits brought under  
ADA**

The nation's highest court, in a split decision, ruled that state employees cannot bring lawsuits against their employers under the Americans with Disabilities Act (ADA). On a 5-4 majority, the court declared that states, as employers, enjoy sovereign immunity from such laws according to the 11th Amendment unless a significant pattern of employment discrimination can be clearly demonstrated.

The Supreme Court's ruling in the case, *Alabama v. Garrett*, mirrors its holdings in similar cases regarding the application of federal anti-discrimination laws to the states. In these instances, the majority view has been that the 11th Amendment, which protects states' rights, trumps the 14th Amendment, which guarantees citizens equal protection under the law. According to the majority, this trumping order should only be reversed in cases where discrimination is proven egregious enough to constitute a threat to 14th Amendment rights.

In *Alabama v. Garrett*, the majority argued, the burden of proof was not met. The case centers around two former state employees in Alabama, a corrections officer and a university hospital nurse, who brought suit against the state for failing to accommodate their medical conditions (cancer and asthma). Wednesday's decision, which reversed a lower court ruling, will force the two to seek a remedy through state anti-discrimination laws.

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